REMARKS

Claims 1, 3-7, 9-18, 20, and 21 are all the claims pending in the application. By this Amendment, Applicant amends claims 1, 6, 7, 9, 12, 13, and 18 and cancels claims 2, 8, and 19. No new subject matter has been entered.

I.   Summary of the Office Action

Claims 18 and 19 are rejected under 35 U.S.C. § 101.

Claims 1, 3-7, 9-12, 18, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Susai (U.S. Patent Application No. 6,411,986) and Primak (U.S. Patent Application No. 6,598,077).

Claims 2, 8, 13-17, and 19-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Susai, Primak, and GLA ("A Path-Finding Algorithm for Loop-Free Routing").

II.   Rejection of claim 18 under 35 U.S.C. § 101

Claim 18 has been amended as proposed by the Examiner. It is respectfully requested this ground of rejection of **claim 18** be withdrawn.

III.   Rejections under 35 U.S.C. § 103(a)

A.   Claims 1, 3-7, 9-12, 18, and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Susai and Primak.

Claim 1 recites among other elements: "means for altering a selection criteria of the optimum server when the change in the network topology is detected; and means for altering a band setting for each service class according to a traffic change accompanying an alteration of the selection criteria."

The Examiner concedes that Susai does not disclose "altering a selection criteria of the optimum server when the change in the network topology is detected; and ... altering a band setting for each service class according to a traffic change accompanying an alteration of the

selection criteria." The Examiner asserts that Primak allegedly teaches these features. (*See* Office Action, page 12, last paragraph and page 13, paragraph 1).

Primak describes content servers clusters 130, 140 managed by databases 40a, 40b. (FIG. 2). In a case of a failure of database 40a, the content router disables the database 40a and routes all the requests for content to cluster 140 connected to a different database 40b. (Col. 7, lines 48-52). Load agent 32 monitors performance parameters and intermittently transmits information regarding server's ability to accept requests to content router. (Col. 7, lines 19-29).

Accordingly, Primak describes detecting a database failure and selecting a different cluster of servers, managed by a different database. Primak does not teach or suggest the claimed "altering a selection criteria of the optimum server when the change in the network topology is detected."

Further, Primak teaching monitoring the performance and availability of servers. Primak does not teach or suggest the claimed "altering a band setting for each service class according to a traffic change accompanying an alteration of the selection criteria."

Accordingly, Applicant respectfully submits that neither Susai, nor Primak, taken singularly or in combination, teaches or suggests at least "means for altering a selection criteria of the optimum server when the change in the network topology is detected; and means for altering a band setting for each service class according to a traffic change accompanying an alteration of the selection criteria."

With features recited in claim 1, it is possible to dynamically alter the band setting and immediately perform routing processing according to the traffic change accompanying the alteration of the selection criteria of the optimum server when the network topology is changed.

Therefore, it is respectfully submitted that **claim 1 and dependent claims 3-7 and 21** distinguish patentably and unobviously over Susai and Primak.

Claims 7 and 18 each recites features similar to those discussed above regarding claim 1. Therefore, **claims 7 and 18** are patentable at least for the similar reasons. **Dependent claims 9-12** are patentable at least by virtue of their dependencies.

B.   **Claims 13-17 and 20** are rejected under 35 U.S.C. § 103(a) as being unpatentable over Susai, Primak, and GLA.

Claim 13 recites features similar to those discussed above regarding claim 1. GLA does not cure any above-discussed deficiency of Susai and Primak. Therefore, **claim 13** is patentable at least for reasons similar to those discussed above regarding claim 1. **Dependent claims 14-17 and 20** are patentable at least by virtue of their dependencies.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Marina V. Zalevsky /

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: July 28, 2010

_____
Marina V. Zalevsky
Registration No. 53,825